

Patent Application Serial No. 10/660,744

REMARKS

In response to the outstanding Action of June 10, 2009:

Specification. The specification is amended in view of the Examiner's remarks. Also, "attain" is replaced by "acquire" in view of U.S. usage. The claims are also amended for clarity and now recite *the purchase data comprising purchase identification data for identifying the debt, the purchase identification data comprising purchased items data that represent at least one purchased item.*

Claim objections. The claims are amended.

§ 101. The rejection is withdrawn.

§ 102. Claims 1-4, 6, 14, 18, 20, 24, 36, 36-38, 40, and 42-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by Niwa, US 6,853,877, published as JP 2001-160108. This rejection is respectfully traversed.

One of the features of the invention is that *purchased items data* is transmitted. Because of this feature, specific purchased item can be recognized without requiring, for instance, printed media such as a receipt: this enhances the convenience of a user. Niwa, on the other hand, merely teaches that a transaction completion code is sent to a mobile terminal—nothing related to transmission of purchased *item* data is disclosed.

The Applicant asked for clarification of what portions of Niwa are applied, and the new Action explains that it is the Related Art rather than the invention of Niwa which anticipates (the Examiner cites col. 2, lines 10-62, which are prior to the Summary of the Invention starting at col. 2, line 63).

(However, the Examiner also applies Fig. 3 in connection with col. 2, lines 10-14, and Fig. 3 illustrates the invention, not the related art; see col. 3, line 61. Clarification is requested.)

The Applicant notes that the text cited by the Examiner as anticipating the third underlined paragraph on page 3 of the Action, namely col. 2, lines 30-62 of Niwa, describes two

Patent Application Serial No. 10/660,744

different related-art documents: lines 3-47 relate to JP 11-45366 (see col. 1, line 42), but lines 48-60 relate to JP 9-54808.

The related art of Niwa is not seen to anticipate, and the Examiner does not even assert that the feature argued earlier—purchased item data—is disclosed; this phrase is not mentioned in the underlined list of features on page 3 of the Action. The word “item” does not appear in the applied text. In fact, the phrase “purchased item” appears exactly once in Niwa, at col. 1, line 24, reading, “The settlement center examines the received verification information and checks to see if the customer can make the payment of the purchased item and sends the result of the check to the computer terminal of the merchant shop.” This describes payment information, not item information. The only other two occurrences of “item” in Niwa are in the phrase “items of information,” and are unrelated.

Regarding the disjoint application of Fig. 3, Figs. 3A-3C illustrate how “sales and payee terminals operate in three successive modes” (col. 4, line 56). No disclosure of item information is seen either in these figures or the related text.

Completion Code. The Applicant also argued on the basis of the *settlement completion code* (the specification also explains at page 11, line 20, that “the purchase identification [purchased items] data in addition to the settlement completion code may be displayed on the display device of ... the cellular phone 3”).

This this feature, also, is not mentioned in the rejection, nor is it seen in the reference.

In sum, the Examiner has not pointed out any disclosure of the purchased item data and the settlement completion code, that were already the basis of the Applicant’s argument. Neither has the Examiner even asserted disclosure of these features. The Examiner has indicated that the Applicant’s arguments were not considered, based on an incorrect assertion of new grounds of rejection. The Examiner is now requested to specifically point out anticipation, or allow.

AUG 31 2009


Patent Application Serial No. 10/660,744

§ 103. Claims 8, 10, 12, 16, and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Niwa in view of Nishimura, JP 2002-007698. This rejection is respectfully traversed on the grounds above.

Reconsideration and allowance are requested.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Nick S. Bromer
Attorney for Applicant
Reg. No. 33,478

NSB/lrj

Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930

23850

PATENT & TRADEMARK OFFICE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571-273-8300) on August 31, 2009.

Nick Bromer (reg. no. 33,478)

Signature 